

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

## United States Patent Application

### COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 10 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

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<u>Application Number</u>	<u>Filing Date</u>	<u>Status</u>
08/311,964	September 26, 1994	Allowed
08/457,317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Embretson, Janet E.	Reg. No. 39,665	Lempia, Bryan J.	Reg. No. 39,746
Bianchi, Timothy E.	Reg. No. 39,610	Fogg, David N.	Reg. No. 35,138	Litman, Mark A.	Reg. No. 26,390
Billig, Patrick G.	Reg. No. 38,080	Forrest, Bradley A.	Reg. No. 30,837	Lundberg, Steven W.	Reg. No. 30,568
Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Reg. No. 37,850	Schwegman, Michael L.	Reg. No. 25,816
Brennan, Thomas F.	Reg. No. 35,075	Kalinowski, Leonard J.	Reg. No. 24,207	Slifer, Russell D.	Reg. No. 39,838
Burke, John E.	Reg. No. 35,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Viksins, Ann S.	Reg. No. 37,748
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Woessner, Warren D.	Reg. No. 30,440
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Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402  
Telephone No. (612)339-0331

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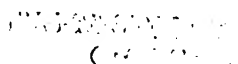
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☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 6: Jeffrey Brede  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Jeffrey Brede

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**Heng Lou**

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Adam Opoczynski

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Full Name of joint inventor number 25 : **David S. Russell**  
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**Niranjan R. Samant**

Full Name of joint inventor number 28 : **Joseph F. Chiappetta**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Joseph F. Chiappetta**

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Full Name of joint inventor number 29 : Scott Samikowski  
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Residence: Plymouth, MN

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Scott Samikowski

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

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Full Name of joint inventor number 4 : **Harold A. Roberts**  
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**Robert J. Kirscht**

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Full Name of joint inventor number 9: **James J. Herrmann**  
Citizenship: **United States of America** Residence: **Eagan, MN**  
Post Office Address: **1894 Sunrise Court**  
**Eagan, MN 55122**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**James J. Herrmann**

Full Name of joint inventor number 10: **Michael J. Fort**  
Citizenship: **United States of America** Residence: **Eagan, MN**  
Post Office Address: **1045 Northview Park**  
**Eagan, MN 55123**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Michael J. Fort**

Full Name of joint inventor number 11: **Steven P. Buska**  
Citizenship: **United States of America** Residence: **Minnetonka, MN**  
Post Office Address: **13370 Stanton Drive**  
**Minnetonka, MN 55305**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Steven P. Buska**

Full Name of joint inventor number 12: **Jeff Solum**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
**Bloomington, MN 55435**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Jeff Solum**

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Full Name of joint inventor number 13 : **Debra Lea Enfield**  
Citizenship: **United States of America** Residence: **Chaska, MN**  
Post Office Address: **464 Ridge Court**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Debra Lea Enfield**

Full Name of joint inventor number 14 : **Darrell Berg**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
**Bloomington, MN 55435**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Darrell Berg**

Full Name of joint inventor number 15 : **Thomas Smigelski**  
Citizenship: **United States of America** Residence: **Lake Zurich, IL**  
Post Office Address: **230 Waterford Drive**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Thomas Smigelski**

Full Name of joint inventor number 16 : **Thomas C. Tucker**  
Citizenship: **United States of America** Residence: **Chapel Hill, NC**  
Post Office Address: **205 Silver Creek Trail**  
**Chapel Hill, NC 27514**

Signature: \_\_\_\_\_ Date: **1/27/97**  
**Thomas C. Tucker**

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Our Ref. 500.623US1  
Serial No. 08/673,002  
Filing Date. June 28, 1996

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Full Name of joint inventor number 17 : Joe Hall  
Citizenship: United States of America Residence: Bloomington, MN  
Post Office Address: 4900 West 78th Street  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Joe Hall

Full Name of joint inventor number 18 : John M. Logajan  
Citizenship: United States of America Residence: Arden Hills, MN  
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Full Name of joint inventor number 19 : Somvay Boulouang  
Citizenship: United States of America Residence: Bloomington, MN  
Post Office Address: 4900 West 78th Street  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Somvay Boulouang

Full Name of joint inventor number 20 : Heng Lou  
Citizenship: United States of America Residence: Bloomington, MN  
Post Office Address: 4900 West 78th Street  
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Heng Lou

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Full Name of joint inventor number 21 : Mark D. Elpers  
Citizenship: United States of America Residence: Elk River, MN  
Post Office Address: 16303 205th Avenue NW  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Mark D. Elpers

Full Name of joint inventor number 22 : Matt Downs  
Citizenship: United States of America Residence: Bloomington, MN  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Matt Downs

Full Name of joint inventor number 23 : Tammy Ferris  
Citizenship: United States of America Residence: Bloomington, MN  
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Tammy Ferris

Full Name of joint inventor number 24 : Adam Opoczynski  
Citizenship: United States of America Residence: Plano, TX  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Adam Opoczynski

X Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 25 : David S. Russell  
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David S. Russell

Full Name of joint inventor number 26 : Calvin G. Nelson  
Citizenship: United States of America Residence: Shorewood, MN  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Calvin G. Nelson

Full Name of joint inventor number 27 : Niranjan R. Samant  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Niranjan R. Samant

Full Name of joint inventor number 28 : Joseph F. Chiappetta  
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Joseph F. Chiappetta

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 29 : Scott Sarnikowski  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Scott Sarnikowski

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 10 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such applications have been filed.

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application Number	Filing Date	Status
08/311,964	September 26, 1994	Allowed
08/457,317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Embretson, Janet E.	Reg. No. 39,665	Lempia, Bryan J.	Reg. No. 39,746
Bianchi, Timothy E.	Reg. No. 39,610	Fogg, David N.	Reg. No. 35,138	Litman, Mark A.	Reg. No. 26,390
Billig, Patrick G.	Reg. No. 38,080	Forrest, Bradley A.	Reg. No. 30,837	Lundberg, Steven W.	Reg. No. 30,568
Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Reg. No. 37,850	Schwegman, Micheal L.	Reg. No. 25,816
Brennan, Thomas F.	Reg. No. 35,075	Kalinowski, Leonard J.	Reg. No. 24,207	Slifer, Russell D.	Reg. No. 39,838
Burke, John E.	Reg. No. 35,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Viksnins, Ann S.	Reg. No. 37,748
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Woessner, Warren D.	Reg. No. 30,440
Dryja, Michael A.	Reg. No. 39,662	Lemaire, Charles A.	Reg. No. 36,198		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402  
Telephone No. (612)339-0331

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**Mark J. Dapper**

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**Loveland, OH 45140**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Michael J. Geile**

Full Name of joint inventor number 3 : **Terrance J. Hill**  
Citizenship: **United States of America** Residence: **Fairfield, OH**  
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**Fairfield, OH 45014**

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**Terrance J. Hill**

Full Name of joint inventor number 4 : **Harold A. Roberts**  
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**Eden Prairie, MN 55346**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Harold A. Roberts**

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**Brian D. Anderson**

Full Name of joint inventor number 6 : **Jeffrey Brede**  
Citizenship: **United States of America** Residence: **Eden Prairie, MN**  
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**Eden Prairie, MN 55347**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Jeffrey Brede**

Full Name of joint inventor number 7 : **Mark S. Wadman**  
Citizenship: **United States of America** Residence: **Eden Prairie, MN**  
Post Office Address: **8956 Braxton Drive**  
**Eden Prairie, MN 55347**

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**Mark S. Wadman**

Full Name of joint inventor number 8 : **Robert J. Kirscht**  
Citizenship: **United States of America** Residence: **Savage, MN**  
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**Savage, MN 55378**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Robert J. Kirscht**

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Full Name of joint inventor number 10: **Michael J. Fort**  
Citizenship: **United States of America** Residence: **Eagan, MN**  
Post Office Address: **1045 Northview Park**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Michael J. Fort**

Full Name of joint inventor number 11: **Steven P. Buska**  
Citizenship: **United States of America** Residence: **Minnetonka, MN**  
Post Office Address: **13370 Stanton Drive**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Steven P. Buska**

Full Name of joint inventor number 12: **Jeff Solum**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
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Full Name of joint inventor number 18 : **John M. Logajan**  
Citizenship: **United States of America** Residence: **Arden Hills, MN**  
Post Office Address: **4248 Hamline Avenue**  
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**John M. Logajan**

Full Name of joint inventor number 19 : **Somvay Boulouang**  
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**Bloomington, MN 55435**

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**Somvay Boulouang**

Full Name of joint inventor number 20 : **Heng Lou**  
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Signature: \_\_\_\_\_

Mark D. Elpers

Date: \_\_\_\_\_

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Full Name of joint inventor number 22 : Matt Downs  
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Residence: Bloomington, MN

Signature: \_\_\_\_\_

Matt Downs

Date: \_\_\_\_\_

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Full Name of joint inventor number 23 : Tammy Ferris  
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Residence: Bloomington, MN

Signature: \_\_\_\_\_

Tammy Ferris

Date: \_\_\_\_\_

Full Name of joint inventor number 24 : Adam Opoczynski  
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Residence: Plano, TX

Signature: \_\_\_\_\_

Adam Opoczynski

Date: \_\_\_\_\_

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Signature: \_\_\_\_\_

Mark D. Elpers

Date: \_\_\_\_\_

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Citizenship: **United States of America**  
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Residence: **Bloomington, MN**

Signature: \_\_\_\_\_

Matt Downs

Date: \_\_\_\_\_

Full Name of joint inventor number 23 : **Tammy Ferris**  
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Signature: \_\_\_\_\_

Tammy Ferris

Date: \_\_\_\_\_

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Full Name of joint inventor number 24 : **Adam Opoczynski**  
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Signature: \_\_\_\_\_

Adam Opoczynski

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Citizenship: United States of America Residence: Minneapolis, MN  
Post Office Address: 5145 Luverne Avenue  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
David S. Russell

Full Name of joint inventor number 26 : Calvin G. Nelson  
Citizenship: United States of America Residence: Shorewood, MN  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Calvin G. Nelson

Full Name of joint inventor number 27 : Niranjan R. Samant  
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Post Office Address: 229 Ridgefield Drive  
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Signature: \_\_\_\_\_ Date: 1/23/97  
Niranjan R. Samant

Full Name of joint inventor number 28 : Joseph F. Chiappetta  
Citizenship: United States of America Residence: Trumbull, CT  
Post Office Address: 6 Ranch Drive  
Trumbull, CT 06611

Signature: \_\_\_\_\_ Date: 1/23/97  
Joseph F. Chiappetta

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 29 : **Scott Sarnikowski**  
Citizenship: **United States of America**  
Post Office Address: **13235 57th Avenue North  
Plymouth, MN 55442**

Residence: **Plymouth, MN**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
                    **Scott Sarnikowski**

Full Name of inventor: \_\_\_\_\_  
Citizenship: \_\_\_\_\_ Residence: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor: \_\_\_\_\_  
Citizenship: \_\_\_\_\_ Residence: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor: \_\_\_\_\_  
Citizenship: \_\_\_\_\_ Residence: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
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(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

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Application Number	Filing Date	Status
08/311,964	September 26, 1994	Allowed
08/457,317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

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Dryja, Michael A.	Reg. No. 39,662	Lemaire, Charles A.	Reg. No. 36,198		

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Telephone No. (612)339-0331

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Full Name of joint inventor number 1: **Mark J. Dapper**  
Citizenship: **United States of America** Residence: **Cincinnati, OH**  
Post Office Address: **6558 Baywood Lane**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Mark J. Dapper**

Full Name of joint inventor number 2: **Michael J. Geile**  
Citizenship: **United States of America** Residence: **Loveland, OH**  
Post Office Address: **316 Miami Valley Drive**  
**Loveland, OH 45140**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Michael J. Geile**

Full Name of joint inventor number 3: **Terrance J. Hill**  
Citizenship: **United States of America** Residence: **Fairfield, OH**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
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Citizenship: **United States of America** Residence: **Eden Prairie, MN**  
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Signature: *Harold A. Roberts* Date: 11/21/97  
**Harold A. Roberts**

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 5: **Brian D. Anderson**  
Citizenship: **United States of America**  
Post Office Address: **11430 - 50th Place North  
Plymouth, MN 55442**

Residence: **Plymouth, MN**

Signature: 

**Brian D. Anderson**

Date: 1/24/97

Full Name of joint inventor number 6: **Jeffrey Brade**  
Citizenship: **United States of America**  
Post Office Address: **8073 Curtis Lane  
Eden Prairie, MN 55347**

Residence: **Eden Prairie, MN**

Signature: 

**Jeffrey Brade**

Date: 1/22/97

Full Name of joint inventor number 7: **Mark S. Wadman**  
Citizenship: **United States of America**  
Post Office Address: **8956 Braxton Drive  
Eden Prairie, MN 55347**

Residence: **Eden Prairie, MN**

Signature: \_\_\_\_\_

**Mark S. Wadman**

Date: \_\_\_\_\_

Full Name of joint inventor number 8: **Robert J. Kircht**  
Citizenship: **United States of America**  
Post Office Address: **13106 Vernon Avenue South  
Savage, MN 55378**

Residence: **Savage, MN**

Signature: 

**Robert J. Kircht**

Date: 1-21-97

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Full Name of joint inventor number 9: **James J. Herrmann**

Citizenship: **United States of America**

Residence: **Eagan, MN**

Post Office Address: **1894 Sunrise Court  
Eagan, MN 55122**

Signature: 

James J. Herrmann

Date: 1/23/97

Full Name of joint inventor number 10: **Michael J. Fort**

Citizenship: **United States of America**

Residence: **Eagan, MN**

Post Office Address: **1045 Northview Park  
Eagan, MN 55123**

Signature: 

Michael J. Fort

Date: 1/22/97

Full Name of joint inventor number 11: **Steven P. Buska**

Citizenship: **United States of America**

Residence: **Minnetonka, MN**

Post Office Address: **13370 Stanton Drive  
Minnetonka, MN 55305**

Signature: 

Steven P. Buska

Date: 1/22/97

Full Name of joint inventor number 12: **Jeff Solum**

Citizenship: **United States of America**

Residence: **Bloomington, MN**

Post Office Address: **4900 West 78th Street  
Bloomington, MN 55435**

Signature: 

Jeff Solum

Date: 1/20 1/21/97

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Full Name of joint inventor number 13 : **Debra Lea Enfield**  
Citizenship: **United States of America** Residence: **Chaska, MN**  
Post Office Address: **464 Ridge Court**  
**Chaska, MN 55318**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Debra Lea Enfield**

Full Name of joint inventor number 14 : **Darrell Berg**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
**Bloomington, MN 55435**

Signature: *Darrell E. Berg* Date: 1/12/97  
**Darrell Berg**

Full Name of joint inventor number 15 : **Thomas Smigelski**  
Citizenship: **United States of America** Residence: **Lake Zurich, IL**  
Post Office Address: **230 Waterford Drive**  
**Lake Zurich, IL 60047**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Thomas Smigelski**

Full Name of joint inventor number 16 : **Thomas C. Tucker**  
Citizenship: **United States of America** Residence: **Chapel Hill, NC**  
Post Office Address: **205 Silver Creek Trail**  
**Chapel Hill, NC 27514**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Thomas C. Tucker**

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Full Name of joint inventor number 17: Joe Hall  
Citizenship: United States of America  
Post Office Address: 4900 West 78th Street  
Bloomington, MN 55435

Residence: Bloomington, MN

Signature: \_\_\_\_\_

Joe Hall  
Joe Hall

Date: \_\_\_\_\_

1/21/97

Full Name of joint inventor number 18: John M. Logajon  
Citizenship: United States of America  
Post Office Address: 4248 Hamline Avenue  
Arden Hills, MN 55112

Residence: Arden Hills, MN

Signature: \_\_\_\_\_

John M. Logajon  
John M. Logajon

Date: \_\_\_\_\_

1/21/97

Full Name of joint inventor number 19: Somvay Boualouang  
Citizenship: United States of America  
Post Office Address: 4900 West 78th Street  
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Residence: Bloomington, MN

Signature: \_\_\_\_\_

Somvay Boualouang  
Somvay Boualouang

Date: \_\_\_\_\_

1/21/97

Full Name of joint inventor number 20: Heng Lou  
Citizenship: United States of America  
Post Office Address: 4900 West 78th Street  
Bloomington, MN 55435

Residence: Bloomington, MN

Signature: \_\_\_\_\_

Heng Lou  
Heng Lou

Date: \_\_\_\_\_

1/22/97

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2004 RELEASE UNDER E.O. 14176

Our Ref. 500.623US1  
Serial No. 08/673.002  
Filing Date: June 28, 1996

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Full Name of joint inventor number 21 : Mark D. Elpers  
Citizenship: United States of America  
Post Office Address: 16303 205th Avenue NW  
Elk River, MN 55330

Residence: Elk River, MN

Signature: \_\_\_\_\_

Mark D. Elpers

Date: \_\_\_\_\_

Full Name of joint inventor number 22 : Matt Downs  
Citizenship: United States of America  
Post Office Address: 4900 West 78th Street  
Bloomington, MN 55435

Residence: Bloomington, MN

Signature: \_\_\_\_\_

Matt Downs

Date: \_\_\_\_\_

Full Name of joint inventor number 23 : Tammy Ferris  
Citizenship: United States of America  
Post Office Address: 4900 West 78th Street  
Bloomington, MN 55435

Residence: Bloomington, MN

Signature: \_\_\_\_\_

Tammy Ferris

Date: \_\_\_\_\_

Full Name of joint inventor number 24 : Adam Opoczynski  
Citizenship: United States of America  
Post Office Address: 3705 Roxbury Lane  
Plano, TX 75025

Residence: Plano, TX

Signature: \_\_\_\_\_

Adam Opoczynski

Date: \_\_\_\_\_

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Full Name of joint inventor number 25 : David S. Russell  
Citizenship: United States of America  
Post Office Address: 5145 Luverne Avenue  
Minneapolis, MN 55419

Residence: Minneapolis, MN

Signature: \_\_\_\_\_

David S. Russell

Date: \_\_\_\_\_

January 22, 1997

Full Name of joint inventor number 26 : Calvin G. Nelson  
Citizenship: United States of America  
Post Office Address: 26190 Birch Bluff Road  
Shorewood, MN 55331

Residence: Shorewood, MN

Signature: \_\_\_\_\_

Calvin G. Nelson

Date: \_\_\_\_\_

Full Name of joint inventor number 27 : Niranjan R. Samant  
Citizenship: United States of America  
Post Office Address: 229 Ridgefield Drive  
Middletown, CT 06547

Residence: Middletown, CT

Signature: \_\_\_\_\_

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Full Name of inventor:  
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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

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Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Reg. No. 37,850	Schwegman, Michael L.	Reg. No. 25,816
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Burke, John E.	Reg. No. 35,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Viksnins, Ann S.	Reg. No. 37,748
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Woessner, Warren D.	Reg. No. 30,440
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Full Name of joint inventor number 1 : **Mark J. Dapper**  
Citizenship: **United States of America** Residence: **Cincinnati, OH**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Mark J. Dapper**

Full Name of joint inventor number 2 : **Michael J. Geile**  
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Post Office Address: **316 Miami Valley Drive**  
**Loveland, OH 45140**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Michael J. Geile**

Full Name of joint inventor number 3 : **Terrance J. Hill**  
Citizenship: **United States of America** Residence: **Fairfield, OH**  
Post Office Address: **1765 Garrett House Lane**  
**Fairfield, OH 45014**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Terrance J. Hill**

Full Name of joint inventor number 4 : **Harold A. Roberts**  
Citizenship: **United States of America** Residence: **Eden Prairie, MN**  
Post Office Address: **7017 Beacon Circle**  
**Eden Prairie, MN 55346**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Harold A. Roberts**

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

Our Ref. 500.623US1  
Serial No. 08/673.002  
Filing Date: June 28, 1996

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 5: **Brian D. Anderson**  
Citizenship: **United States of America**  
Post Office Address: **11430 - 50th Place North  
Plymouth, MN 55442**  
Residence: **Plymouth, MN**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Brian D. Anderson

Full Name of joint inventor number 6: **Jeffrey Brede**  
Citizenship: **United States of America**  
Post Office Address: **8073 Curtis Lane  
Eden Prairie, MN 55347**  
Residence: **Eden Prairie, MN**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Jeffrey Brede

Full Name of joint inventor number 7: **Mark S. Wadman**  
Citizenship: **United States of America**  
Post Office Address: **8956 Braxton Drive  
Eden Prairie, MN 55347**  
Residence: **Eden Prairie, MN**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Mark S. Wadman

Full Name of joint inventor number 8: **Robert J. Kirscht**  
Citizenship: **United States of America**  
Post Office Address: **13106 Vernon Avenue South  
Savage, MN 55378**  
Residence: **Savage, MN**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Robert J. Kirscht

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Full Name of joint inventor number 9 : **James J. Herrmann**  
Citizenship: **United States of America** Residence: **Eagan, MN**  
Post Office Address: **1894 Sunrise Court**  
**Eagan, MN 55122**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**James J. Herrmann**

Full Name of joint inventor number 10 : **Michael J. Fort**  
Citizenship: **United States of America** Residence: **Eagan, MN**  
Post Office Address: **1045 Northview Park**  
**Eagan, MN 55123**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Michael J. Fort**

Full Name of joint inventor number 11 : **Steven P. Buska**  
Citizenship: **United States of America** Residence: **Minnetonka, MN**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Steven P. Buska**

Full Name of joint inventor number 12 : **Jeff Solum**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Jeff Solum**

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Our Ref. 500.6231/51  
Serial No. 08/673,002  
Filing Date: June 28, 1996

Page 5 of 10

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Full Name of joint inventor number 13: **Debra Lea Enfield**  
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Signature: \_\_\_\_\_

Debra Lea Enfield

Date: \_\_\_\_\_

Full Name of joint inventor number 14: **Darrell Berg**  
Citizenship: United States of America  
Post Office Address: 4900 West 78th Street  
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Residence: Bloomington, MN

Signature: \_\_\_\_\_

Darrell Berg

Date: \_\_\_\_\_

Full Name of joint inventor number 15: **Thomas Smigelski**  
Citizenship: United States of America  
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Thomas Smigelski

Date: 1/29/96

Full Name of joint inventor number 16: **Thomas C. Tucker**  
Citizenship: United States of America  
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Chapel Hill, NC 27514

Residence: Chapel Hill, NC

Signature: \_\_\_\_\_

Thomas C. Tucker

Date: \_\_\_\_\_

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Full Name of joint inventor number 17: **Joe Hall**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
**Bloomington, MN 55435**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Joe Hall**

Full Name of joint inventor number 18: **John M. Logajan**  
Citizenship: **United States of America** Residence: **Arden Hills, MN**  
Post Office Address: **4248 Hamline Avenue**  
**Arden Hills, MN 55112**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**John M. Logajan**

Full Name of joint inventor number 19: **Somvay Boualouang**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Somvay Boualouang**

Full Name of joint inventor number 20: **Heng Lou**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Heng Lou**

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Full Name of joint inventor number 21 : Mark D. Elpers  
Citizenship: United States of America  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Mark D. Elpers

Full Name of joint inventor number 22 : Matt Downs  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Matt Downs

Full Name of joint inventor number 23 : Tammy Ferris  
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Full Name of joint inventor number 24 : Adam Opoczynski  
Citizenship: United States of America  
Post Office Address: 3705 Roxbury Lane  
Plano, TX 75025

Residence: Plano, TX

Signature: A. Opoczynski Date: Jan. 24, 1997  
Adam Opoczynski

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 25 : David S. Russell  
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David S. Russell

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Calvin G. Nelson

Full Name of joint inventor number 27 : Niranjan R. Samant  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Niranjan R. Samant

Full Name of joint inventor number 28 : Joseph F. Chiappetta  
Citizenship: United States of America Residence: Trumbull, CT  
Post Office Address: 6 Ranch Drive  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Joseph F. Chiappetta

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 29 : Scott Sarnikowski  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Scott Sarnikowski

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

## United States Patent Application

### COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 10 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such applications have been filed.**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

**No such applications have been filed.**

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Application Number</u>	<u>Filing Date</u>	<u>Status</u>
08/311,964	September 26, 1994	Allowed
08/457,317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Embretson, Janet E.	Reg. No. 39,665	Lempia, Bryan J.	Reg. No. 39,746
Bianchi, Timothy E.	Reg. No. 39,610	Fogg, David N.	Reg. No. 35,138	Litman, Mark A.	Reg. No. 26,390
Billig, Patrick G.	Reg. No. 38,080	Forrest, Bradley A.	Reg. No. 30,837	Lundberg, Steven W.	Reg. No. 30,568
Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Reg. No. 37,850	Schwegman, Micheal L.	Reg. No. 25,816
Brennan, Thomas F.	Reg. No. 35,075	Kalinowski, Leonard J.	Reg. No. 24,207	Slifer, Russell D.	Reg. No. 39,838
Burke, John E.	Reg. No. 35,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Viksins, Ann S.	Reg. No. 37,748
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Woessner, Warren D.	Reg. No. 30,440
Dryja, Michael A.	Reg. No. 39,662	Lemaire, Charles A.	Reg. No. 36,198		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:  
P.O. Box 2938, Minneapolis, MN 55402  
Telephone No. (612)339-0331

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Mark J. Dapper**  
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Post Office Address: **6558 Baywood Lane**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Mark J. Dapper**

Full Name of joint inventor number 2 : **Michael J. Geile**  
Citizenship: **United States of America** Residence: **Loveland, OH**  
Post Office Address: **316 Miami Valley Drive**  
**Loveland, OH 45140**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Michael J. Geile**

Full Name of joint inventor number 3 : **Terrance J. Hill**  
Citizenship: **United States of America** Residence: **Fairfield, OH**  
Post Office Address: **1765 Garrett House Lane**  
**Fairfield, OH 45014**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Terrance J. Hill**

Full Name of joint inventor number 4 : **Harold A. Roberts**  
Citizenship: **United States of America** Residence: **Eden Prairie, MN**  
Post Office Address: **7017 Beacon Circle**  
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**Harold A. Roberts**

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Citizenship: **United States of America** Residence: **Plymouth, MN**  
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**Plymouth, MN 55442**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Brian D. Anderson**

Full Name of joint inventor number 6 : **Jeffrey Brede**  
Citizenship: **United States of America** Residence: **Eden Prairie, MN**  
Post Office Address: **8073 Curtis Lane**  
**Eden Prairie, MN 55347**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Jeffrey Brede**

Full Name of joint inventor number 7 : **Mark S. Wadman**  
Citizenship: **United States of America** Residence: **Eden Prairie, MN**  
Post Office Address: **8956 Braxton Drive**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Mark S. Wadman**

Full Name of joint inventor number 8 : **Robert J. Kirscht**  
Citizenship: **United States of America** Residence: **Savage, MN**  
Post Office Address: **13106 Vernon Avenue South**  
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**Robert J. Kirscht**

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Residence: **Eagan, MN**

Post Office Address: **1894 Sunrise Court  
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Signature: \_\_\_\_\_

**James J. Herrmann**

Date: \_\_\_\_\_

Full Name of joint inventor number 10 : **Michael J. Fort**

Citizenship: **United States of America**

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Post Office Address: **1045 Northview Park  
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Signature: \_\_\_\_\_

**Michael J. Fort**

Date: \_\_\_\_\_

Full Name of joint inventor number 11 : **Steven P. Buska**

Citizenship: **United States of America**

Residence: **Minnetonka, MN**

Post Office Address: **13370 Stanton Drive  
Minnetonka, MN 55305**

Signature: \_\_\_\_\_

**Steven P. Buska**

Date: \_\_\_\_\_

Full Name of joint inventor number 12 : **Jeff Solum**

Citizenship: **United States of America**

Residence: **Bloomington, MN**

Post Office Address: **4900 West 78th Street  
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Signature: \_\_\_\_\_

**Jeff Solum**

Date: \_\_\_\_\_

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Post Office Address: **464 Ridge Court**  
**Chaska, MN 55318**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Debra Lea Enfield**

Full Name of joint inventor number 14 : **Darrell Berg**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
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**Bloomington, MN 55435**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Darrell Berg**

Full Name of joint inventor number 15 : **Thomas Smigelski**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Thomas Smigelski**

Full Name of joint inventor number 16 : **Thomas C. Tucker**  
Citizenship: **United States of America** Residence: **Chapel Hill, NC**  
Post Office Address: **205 Silver Creek Trail**  
**Chapel Hill, NC 27514**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Thomas C. Tucker**

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Citizenship: United States of America Residence: Bloomington, MN  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Joe Hall

Full Name of joint inventor number 18 : John M. Logajan  
Citizenship: United States of America Residence: Arden Hills, MN  
Post Office Address: 4248 Hamline Avenue  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
John M. Logajan

Full Name of joint inventor number 19 : Somvay Boualouang  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Somvay Boualouang

Full Name of joint inventor number 20 : Heng Lou  
Citizenship: United States of America Residence: Bloomington, MN  
Post Office Address: 4900 West 78th Street  
Bloomington, MN 55435

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Heng Lou

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Citizenship: **United States of America** Residence: **Elk River, MN**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Mark D. Elpers

Full Name of joint inventor number 22 : **Matt Downs**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
**Bloomington, MN 55435**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Matt Downs

Full Name of joint inventor number 23 : **Tammy Ferris**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
**Bloomington, MN 55435**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Tammy Ferris

Full Name of joint inventor number 24 : **Adam Opoczynski**  
Citizenship: **United States of America** Residence: **Plano, TX**  
Post Office Address: **3705 Roxbury Lane**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Adam Opoczynski

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Full Name of joint inventor number 25 : David S. Russell  
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Residence: Minneapolis, MN

Signature: \_\_\_\_\_

David S. Russell

Date: \_\_\_\_\_

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Calvin G. Nelson

Date: \_\_\_\_\_

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Citizenship: United States of America  
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Residence: Middletown, CT

Signature: \_\_\_\_\_

Niranjan R. Samant

Date: \_\_\_\_\_

Full Name of joint inventor number 28 : Joseph F. Chiappetta  
Citizenship: United States of America  
Post Office Address: 6 Ranch Drive  
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Residence: Trumbull, CT

Signature: \_\_\_\_\_

Joseph F. Chiappetta

Date: \_\_\_\_\_

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Full Name of joint inventor number 29 : **Scott Sarnikowski**  
Citizenship: **United States of America** Residence: **Plymouth, MN**  
Post Office Address: **13235 57th Avenue North**  
**Plymouth, MN 55442**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Scott Sarnikowski

Full Name of inventor:  
Citizenship: Residence:  
Post Office Address:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship: Residence:  
Post Office Address:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship: Residence:  
Post Office Address:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
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- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT**.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

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<u>Application Number</u>	<u>Filing Date</u>	<u>Status</u>
08/311,964	September 26, 1994	Allowed
08/457,317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

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Bianchi, Timothy E.	Reg. No. 39,610	Fogg, David N.	Reg. No. 35,138	Litman, Mark A.	Reg. No. 26,390
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Burke, John E.	Reg. No. 35,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Viksnins, Ann S.	Reg. No. 37,748
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Woessner, Warren D.	Reg. No. 30,440
Dryja, Michael A.	Reg. No. 39,662	Lemaire, Charles A.	Reg. No. 36,198		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402  
Telephone No. (612)339-0331

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Full Name of joint inventor number 1 : **Mark J. Dapper**  
Citizenship: **United States of America** Residence: **Cincinnati, OH**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Mark J. Dapper**

Full Name of joint inventor number 2 : **Michael J. Geile**  
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**Loveland, OH 45140**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Michael J. Geile**

Full Name of joint inventor number 3 : **Terrance J. Hill**  
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**Terrance J. Hill**

Full Name of joint inventor number 4 : **Harold A. Roberts**  
Citizenship: **United States of America** Residence: **Eden Prairie, MN**  
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**Eden Prairie, MN 55346**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Harold A. Roberts**

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Full Name of joint inventor number 5 : **Brian D. Anderson**  
Citizenship: **United States of America** Residence: **Plymouth, MN**  
Post Office Address: **11430 - 50th Place North**  
**Plymouth, MN 55442**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Brian D. Anderson

Full Name of joint inventor number 6 : **Jeffrey Brede**  
Citizenship: **United States of America** Residence: **Eden Prairie, MN**  
Post Office Address: **8073 Curtis Lane**  
**Eden Prairie, MN 55347**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Jeffrey Brede

Full Name of joint inventor number 7 : **Mark S. Wadman**  
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Post Office Address: **8956 Braxton Drive**  
**Eden Prairie, MN 55347**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Mark S. Wadman

Full Name of joint inventor number 8 : **Robert J. Kirscht**  
Citizenship: **United States of America** Residence: **Savage, MN**  
Post Office Address: **13106 Vernon Avenue South**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Robert J. Kirscht

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Full Name of joint inventor number 9 : **James J. Herrmann**

Citizenship: **United States of America**

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Signature: \_\_\_\_\_

**James J. Herrmann**

Date: \_\_\_\_\_

Full Name of joint inventor number 10 : **Michael J. Fort**

Citizenship: **United States of America**

Residence: **Eagan, MN**

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Signature: \_\_\_\_\_

**Michael J. Fort**

Date: \_\_\_\_\_

Full Name of joint inventor number 11 : **Steven P. Buska**

Citizenship: **United States of America**

Residence: **Minnetonka, MN**

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Minnetonka, MN 55305**

Signature: \_\_\_\_\_

**Steven P. Buska**

Date: \_\_\_\_\_

Full Name of joint inventor number 12 : **Jeff Solum**

Citizenship: **United States of America**

Residence: **Bloomington, MN**

Post Office Address: **4900 West 78th Street  
Bloomington, MN 55435**

Signature: \_\_\_\_\_

**Jeff Solum**

Date: \_\_\_\_\_

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Full Name of joint inventor number 13 : **Debra Lea Enfield**  
Citizenship: **United States of America** Residence: **Chaska, MN**  
Post Office Address: **464 Ridge Court**  
**Chaska, MN 55318**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Debra Lea Enfield**

Full Name of joint inventor number 14 : **Darrell Berg**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
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**Darrell Berg**

Full Name of joint inventor number 15 : **Thomas Smigelski**  
Citizenship: **United States of America** Residence: **Lake Zurich, IL**  
Post Office Address: **230 Waterford Drive**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Thomas Smigelski**

Full Name of joint inventor number 16 : **Thomas C. Tucker**  
Citizenship: **United States of America** Residence: **Chapel Hill, NC**  
Post Office Address: **205 Silver Creek Trail**  
**Chapel Hill, NC 27514**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Thomas C. Tucker**

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Full Name of joint inventor number 17 : **Joe Hall**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Joe Hall**

Full Name of joint inventor number 18 : **John M. Logajan**  
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**John M. Logajan**

Full Name of joint inventor number 19 : **Somvay Boualouang**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
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**Bloomington, MN 55435**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Somvay Boualouang**

Full Name of joint inventor number 20 : **Heng Lou**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
**Bloomington, MN 55435**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Heng Lou**

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Full Name of joint inventor number 21 : **Mark D. Elpers**  
Citizenship: **United States of America** Residence: **Elk River, MN**  
Post Office Address: **16303 205th Avenue NW**  
**Elk River, MN 55330**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Mark D. Elpers**

Full Name of joint inventor number 22 : **Matt Downs**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
**Bloomington, MN 55435**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Matt Downs**

Full Name of joint inventor number 23 : **Tammy Ferris**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
**Bloomington, MN 55435**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Tammy Ferris**

Full Name of joint inventor number 24 : **Adam Opoczynski**  
Citizenship: **United States of America** Residence: **Plano, TX**  
Post Office Address: **3705 Roxbury Lane**  
**Plano, TX 75025**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Adam Opoczynski**

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Full Name of joint inventor number 29 : - Scott Samikowski

Citizenship: United States of America

Post Office Address: 43235 57th Avenue North

Plymouth, MN 55447

Residence: Plymouth, MN

SAN JOSE, CA

5347 SILVER POINT WAY

SAN JOSE, CA 95138

Signature: \_\_\_\_\_

*Scott Samikowski*

Scott Samikowski

Date: \_\_\_\_\_

5/22/97

Full Name of inventor:

Citizenship:

Post Office Address:

Residence:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full Name of inventor:

Citizenship:

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

## United States Patent Application

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Dryja, Michael A.	Reg. No. 39,662	Lemaire, Charles A.	Reg. No. 36,198		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:  
P.O. Box 2938, Minneapolis, MN 55402  
Telephone No. (612)339-0331

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Mark J. Dapper**  
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Post Office Address: **6558 Baywood Lane**  
**Cincinnati, OH 45224**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Mark J. Dapper**

Full Name of joint inventor number 2 : **Michael J. Geile**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Michael J. Geile**

Full Name of joint inventor number 3 : **Terrance J. Hill**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Terrance J. Hill**

Full Name of joint inventor number 4 : **Harold A. Roberts**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Harold A. Roberts**

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 5 : **Brian D. Anderson**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Brian D. Anderson**

Full Name of joint inventor number 6 : **Jeffrey Brede**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Jeffrey Brede**

Full Name of joint inventor number 7 : **Mark S. Wadman**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Mark S. Wadman**

Full Name of joint inventor number 8 : **Robert J. Kirscht**  
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**Savage, MN 55378**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Robert J. Kirscht**

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 9 : **James J. Herrmann**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**James J. Herrmann**

Full Name of joint inventor number 10 : **Michael J. Fort**  
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**Eagan, MN 55123**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Michael J. Fort**

Full Name of joint inventor number 11 : **Steven P. Buska**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Steven P. Buska**

Full Name of joint inventor number 12 : **Jeff Solum**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Jeff Solum**

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 13 : **Debra Lea Enfield**  
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Signature: *Debra Lea Enfield*  
Debra Lea Enfield

Date: 5 May 1997

Full Name of joint inventor number 14 : **Darrell Berg**  
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Post Office Address: **4900 West 78th Street  
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Signature: \_\_\_\_\_  
Darrell Berg

Date: \_\_\_\_\_

Full Name of joint inventor number 15 : **Thomas Smigelski**  
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Post Office Address: **230 Waterford Drive  
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Signature: \_\_\_\_\_  
Thomas Smigelski

Date: \_\_\_\_\_

Full Name of joint inventor number 16 : **Thomas C. Tucker**  
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Signature: \_\_\_\_\_  
Thomas C. Tucker

Date: \_\_\_\_\_

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 17 : **Joe Hall**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Joe Hall**

Full Name of joint inventor number 18 : **John M. Logajan**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**John M. Logajan**

Full Name of joint inventor number 19 : **Somvay Boualouang**  
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**Somvay Boualouang**

Full Name of joint inventor number 20 : **Heng Lou**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Heng Lou**

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 21 : **Mark D. Elpers**  
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Full Name of joint inventor number 22 : **Matt Downs**  
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Full Name of joint inventor number 23 : **Tammy Ferris**  
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Full Name of joint inventor number 24 : **Adam Opoczynski**  
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**Adam Opoczynski**

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 25 : **David S. Russell**  
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David S. Russell

Date: \_\_\_\_\_

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Calvin G. Nelson

Date: \_\_\_\_\_

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Signature: \_\_\_\_\_  
Niranjan R. Samant

Date: \_\_\_\_\_

Full Name of joint inventor number 28 : **Joseph F. Chiappetta**  
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Post Office Address: **6 Ranch Drive  
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Residence: **Trumbull, CT**

Signature: \_\_\_\_\_  
Joseph F. Chiappetta

Date: \_\_\_\_\_

X Additional inventors are being named on separately numbered sheets, attached hereto.



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 29 : **Scott Sarnikowski**  
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Post Office Address: **13235 57th Avenue North  
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Residence: **Plymouth, MN**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
                    **Scott Sarnikowski**

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

First Named Inventor	Scott Samikowski et al.	<p align="center"><b><u>APPOINTMENT OF ASSOCIATE ATTORNEY</u></b></p>
Serial No.	Unknown	
Filing Date	Herewith	
Group Art Unit	Herewith	
Examiner Name	Unknown	
Attorney Docket No.	100.070US30	
Title: COMPUTER DATA TRANSMISSION OVER A TELECOMMUNICATIONS NETWORK		

Box: Patent Application  
Commissioner for Patents  
Washington, DC 20231

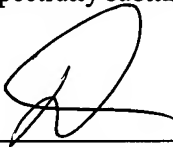
The undersigned attorney of record in the above-identified patent application hereby appoints:

Daniel J. Polglaze	Reg. No. 39,801
Mark D. Kelly	Reg. No. 39,467
Thomas W. Leffert	Reg. No. 40,697
Tod A. Myrum	Reg. No. 42,922
Scott V. Lundberg	Reg. No. 41,958
Laura A. Ryan	Reg. No. 49,055
Andrew C. Walseth	Reg. No. 43,234

to act as an associate agent, and empowers the associate agent to receive all correspondence from the U.S. Patent and Trademark Office, to amend the specification and drawings, to prosecute the application; and ratifies any act done by the associate agent in respect of the application or any related application thereto.

Respectfully submitted,

Date: January 11, 2002

  
\_\_\_\_\_  
David N. Fogg  
Reg. No. 35,138

Attorneys for Applicant  
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S/N Unknown

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Scott Sarnikowski et al. Examiner: Unknown  
Serial No.: Unknown Group Art Unit: Unknown  
Filed: Herewith Docket: 500.623U12  
Title: DATA TRANSMISSION OVER A COMMUNICATION NETWORK (as amended)

PETITION TO DELETE INVENTORS UNDER 37 CFR 1.48(b)(1)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Pursuant to 37 CFR 1.48(b)(1), Mark J. Dapper, Michael J. Geile, Terrance J. Hill, Harold A. Roberts, Brian D. Anderson, Jeffrey Brede, Mark S. Wadman, Robert J. Kirscht, James J. Herrmann, Michael J. Fort, Steven P. Buska, Jeff Solum, Debra Lea Enfield, Darrell Berg, Thomas Smigelski, Thomas C. Tucker, Joe Hall, Somvay Boualouong, Heng Lou, Mark D. Elpers, Matt Downs, Tammy Ferris, Adam Opoczynski, David S. Russell, Calvin G. Nelson, Niranjana R. Simant and Joseph F. Chiappetta should be deleted as inventors in the above-identified patent application because their invention is not recited in claims 2-37 of the above-identified patent application.

A check in the amount of \$130.00 is enclosed to cover the required petition fee. Please charge any additional fees or credit overpayment to Deposit Account 19-0743.

Respectfully submitted,

SCOTT SARNIKOWSKI ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6920

Date

September 15, 1999

By

David N. Fogg  
Reg. No. 35,138

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EL273420830US

Date of Deposit: September 15, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Name

Chris Hammond

Signature

Chris Hammond